

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT

2010.9.2. 4:56

PC Connection, Inc.)	
)	Civil Action No. 1:10-cv-348-LM
Plaintiff,)	
)	DEFENDANT'S ANSWER TO
v.)	PLAINTIFF'S MOTION FOR
)	TEMPORARY AND PRELIMINARY
Dayton Crabtree doing business as)	INJUNCTIVE RELIEF
"Computer Connections")	
)	
Defendant.)	

COMES NOW, Dayton Crabtree doing business as Computer Connections (hereinafter "Computer Connections"), pro se, amended removing "and as "pc-connections.com"", as misrepresented by PC Connection, Inc. Defendant respectfully requests that the Temporary Restraining Order be vacated and Preliminary Injunctive Relief be denied. Defendant also respectfully challenges the venue and personal jurisdiction. In support of its requests and challenges, Defendant states as follows:

1. Computer Connections resides at 429 Cabin Drive, Hedgesville, WV, registered and maintains the passive website, pc-connections.com, at this location, for informational purposes only and is a single employee business that offers local on-site Information Technology (IT) services within a 25 mile radius. *See* Exhibit "A". PC Connection, Inc. is an internet-based corporation offering more than 130,000 brand name products, serving customers through a staff of account managers, interactive websites, and specialized IT product catalogs. *See* Exhibit "B, C".
2. In this regard, use of the domain name, pc-connection.com, by Computer Connections does not cause consumer confusion in the marketplace; personal

jurisdiction is limited to Computer Connections' service area; and venue should be transferred to the United States District Court of the Northern District of West Virginia.

3. Computer Connections registered the domain name, pc-connections.com, in connection with the bona fide offering of services and asserts that it is common for domain names to be dis-similar only by use of hyphens and plurality, yet registered and maintained by different companies. Citing Insight Direct, Inc.'s, registration of the domain name and trademark of, INSIGHT.COM, and the registration and maintenance of the domain names: INSIGHTS.COM, IN-SIGHT.COM, and IN-SIGHTS.COM, by Insights Learning and Development Ltd., In-sight Solutions Group, Inc., and Sylvia Scott, respectively. *See* Exhibits "D – G".
4. While PC Connection, Inc. has registered the domain names PCCONNECTION.COM, PCCONNECTION.NET, PCCONNECTION.ORG and PCCONNECTION.US, the domain names, PC-CONNECTION.COM and PCCONNECTIONS.COM, are not registered or maintained by the plaintiff, and are used for advertising "Sponsored Listings", including categories such as PC, PC Computer Repair, Laptops, and Printers. *See* Exhibits "H – K".
5. In these regards, pc-connections.com, with its' plurality and use of a hyphen, is not identical, confusingly similar or dilutive of the PC CONNECTION and PCCONNECTION.COM trademarks.
6. The vacation of the Temporary Restraining Order and denial of Preliminary Injunctive Relief is warranted because Computer Connections' use of pc-connections.com does not infringe on PC Connection Inc.'s trademarks and is not

cyberpiracy. PC Connection is a major Internet-based marketer and seller of computer products and electronics, whereas Computer Connections offers on-site services limited to a local market. Computer Connections has suffered immediate harm by disabling pc-connections.com. Marketing activities have been halted and reputation of the quality of IT services has been damaged. Potential customers have been, and are marketed through word-of-mouth and by attending local networking events, directed to pc-connections.com for informational purposes only. Networking events are limited; however, one such event to present is scheduled for September 2, 2010 beginning at 5:30 PM.

7. In this regard the hardship imposed on an upstart business with limited networking opportunities is substantial. All business cards and pamphlets created and distributed refer to pc-connections.com. Dayton Crabtree doing business as Computer Connections acted in good faith when procuring the domain name pc-connections.com among the limited, relevant, and available .com domain names, after being laid off from a full-time 10 year position, to provide a livelihood for his family.

WHEREFORE, Computer Connections, respectfully requests that this Honorable Court:

- A. Vacate the Temporary Restraining Order;
- B. Deny Preliminary Injunctive Relief;
- C. Finds insufficient basis for personal jurisdiction in the United States District Court of New Hampshire;

- D. Changes the venue to the United States District Court of the Northern District of West Virginia;
- E. Grant Computer Connections such other and further relief as the Court deems just and equitable.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Dayton Crabtree", with a stylized, flowing script.

Dayton Crabtree
429 Cabin Drive
Hedgesville, WV 25427
(304)279-4179